

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT TEXAS
HOUSTON DIVISION**

JASON MCGEHEE, *et al.*,
Plaintiffs,

v.

**TEXAS DEPARTMENT OF
CRIMINAL JUSTICE,**
Defendant.

§
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§
§

Case No. 4:18-mc-01546

**Related to E.D. Ark. Case
No. 4:17-CV-00179-KGB**

**TEXAS DEPARTMENT OF CRIMINAL JUSTICE'S DISPOSITIVE MOTION TO
DISMISS PLAINTIFFS' MOTION TO COMPEL COMPLIANCE WITH SUBPOENA**

EXHIBIT 4

Declaration of Pharmacy X

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

Jason McGehee, Stacey Johnson,	§	
Bruce Ward, Terrick Nooner, and	§	
Don Davis,	§	
Plaintiffs,	§	Cause No. 04:18mc01546
	§	
v.	§	
	§	
Texas Department of Criminal Justice,	§	
Defendant.		

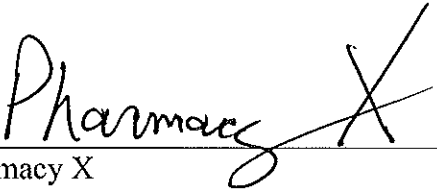
DECLARATION OF PHARMACY X

I, Pharmacy X, declare as follows:

1. I, Pharmacy X, am over the age of 21 and competent to testify in this matter. I have personal knowledge of the facts contained in this declaration.
2. Pharmacy X is a licensed pharmacy located in Texas.
3. Pharmacy X has supplied lethal injection chemicals to the Texas Department of Criminal Justice for use in executions of death row inmates.
4. Pharmacy X's decision to supply the Texas Department of Criminal Justice with lethal injection chemicals was and is contingent on Pharmacy X's identity remaining secret. If Pharmacy X's identity is disclosed or revealed, Pharmacy X will no longer conduct business with the Texas Department of Criminal Justice.
5. Pharmacy X did not and will not supply lethal injection chemicals to any state other than Texas under any circumstances.
6. Pharmacy X reasonably fears that if its identity is disclosed or revealed, anti-death penalty advocates will harass and retaliate against Pharmacy X, resulting in physical and financial harm to Pharmacy X, its owner(s), and its employees.

7. Pharmacy X's fears are based, in part, on documentary evidence of threats, harassment, and boycotts to which other suppliers of lethal injection drugs have been subjected as a result of their lawful decision to supply state correctional departments with drugs needed to carry out executions.

8. I declare under penalty of perjury that the foregoing is true and correct. Executed on June 22, 2018.



Pharmacy X